

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GEORGE GRISHAM,)
Petitioner,) Civil Action No. 08 - 1539
vs.) District Judge William L. Standish
RAYMOND SOBINA, Superintendent)
SCI-Albion; DISTRICT ATTORNEY OF)
ALLEGHENY COUNTY; and ATTORNEY)
GENERAL OF THE COMMONWEALTH)
OF PENNSYLVANIA,)
Respondents.)

MEMORANDUM ORDER

On March 5, 2008, the above captioned case was initiated by the filing of a Petition for Writ of Habeas Corpus and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation filed on November 7, 2008 (doc. no. 3) recommended that the Petition for Writ of Habeas Corpus be dismissed as untimely. On November 17, 2008, Petitioner filed a Supplemental Motion to Amend/Correct his Petition (doc. no. 4) and Objections to the Report and Recommendation (doc. no. 5). Nothing contained in these filings undermines the recommendation of the Magistrate Judge.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the facts alleged in the Supplemental Petition and Objections, the following order is entered:

AND NOW, this 18th day of November, 2008;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is **DISMISSED** as UNTIMELY.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 3) of Magistrate Judge Lenihan dated November 7, 2008, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:



William L. Standish
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

11/18/08